

IN THE SUPREME COURT OF MISSOURI

CLARA FAATZ and)
WILLIAM CALDWELL,)
Appellants,)
v.)
JOHN ASHCROFT, et al.,)
Respondents.)

Case No. SC100277

MOTION FOR LEAVE TO FILE AMICUS BRIEF

COMES NOW House Republican Campaign Committee, Inc. (HRCC) and respectfully files this Motion for Leave to file Amicus Brief, in support of Appellants position. As grounds, HRCC states as follows:

1. Rule 84.05(f) provides that amicus briefs may be filed in this Court.
2. This Motion is timely in that the brief of Appellant is due on January 7, 2024 (60 days after the Record on Appeal was completed). See Rule 84.05(f). Appellants' brief was filed early, but by Rule 84.05(f), that does not affect the deadline for filing the amicus brief.
3. Appellants consent to the filing of the brief.
4. Respondents' position was stated to Amicus by a text message reading, "The Secretary feels like he needs to defend the map draw so he objects to the amicus."
5. The interest of the amicus is as follows:
 - a) Amicus Curiae House Republican Campaign Committee, Inc. (HRCC) is a public benefit non-profit corporation in good standing.

It is also registered with the Missouri Ethics Commission. The mission of HRCC is to support republican candidates for the Missouri House of Representatives.

b) Because of this mission, HRCC has a strong interest in the redistricting process and in supporting the constitutional procedures for redistricting. HRCC was heavily involved in the map-drawing process that led to the Citizens' Redistricting Commission successfully drawing a map for the Missouri House of Representatives. HRCC's executive director served on that Citizens' Commission.

c) While the map for the Missouri House is not at issue in this case, the resolution of this case might well impact the House map, and therefore HRCC. As will be explained below, the Final Judgment in this case does not follow the constitutional directives as to redistricting. If the Judgment is affirmed on any rationale like that in the judgment, this Court will endorse a process quite different from that required by the Constitution. The new process created by the Judgment was not the process used to draw the House map.

Accordingly, if the Judgment is affirmed, HRCC's concern is that litigation about the House map might occur, and ultimately this court might well be called to determine if the House map is lawful under the new standard created by the Judgment.

d) In addition to this short-term concern, HRCC has a longer term interest. Redistricting occurs every ten years. If the Judgment is affirmed, it is very possible that the 2030 redistricting will be done under the new standard in the Judgment. HRCC believes the House map in 2030 should be drawn under the standard and process that the Constitution established by a vote of the People.

e) These concerns are particularly acute because the House and Senate maps are to be drawn using the same standards. Missouri Constitution Art. III, § 3(b) establishes the “methods” to be used, listed in “order of priority” to redistrict the House of Representatives. Article III, § 7(c) says that for redistricting the Senate “the same methods and criteria as those required by subsection (b), section 3 of this Article for the redistricting of the house of representatives. Accordingly, HRCC has a strong and distinct interest in the outcome of this case, because the constitutional standards for the House and Senate are identical.

6. The amicus brief is conditionally filed herewith.

7. The reasons the amicus should be filed include the following:

a) HRCC has special expertise in both the law of redistricting and the practicalities of map drawing. HRCC’s executive director served on the Bi-Partisan Citizens’ Commission for the House. Undersigned

counsel has twice served on Bi-Partisan Citizens' Commission for the Senate.

b) This expertise and practical knowledge does not exist with any other party.

c) HRCC is concerned that the outcome of this case will affect the House map because any outcome may well invite constitutional challenge to the House map. No other party can present this argument.

WHEREFORE, HRCC respectfully moves that its Amicus Brief be filed.

Respectfully submitted,

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